

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JON RAPILLO,

Plaintiff,

-against-

VILLAGE OF SAG HARBOR, VILLAGE OF SAG
HARBOR POLICE DEPARTMENT, COUNTY OF
SUFFOLK, SUFFOLK COUNTY SHERIFF'S OFFICE,
SUFFOLK COUNTY POLICE DEPARTMENT, TOWN
OF SOUTHAMPTON, SOUTHAMPTON TOWN POLICE
DEPARTMENT, DEPUTY SHERIFF BRYAN R.
MALDONADO, DEPUTY SHERIFF RICHARD
PEDIGO, SERGEANT ROBERT F. DRAKE, BAY
CONSTABLE DANIELLE McMANUS, IN THEIR
INDIVIDUAL AND PROFESSIONAL CAPACITIES,

16 CV 3728
(LDW)(AKT)

NOTICE OF MOTION

Defendants.

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MOTION BY:

Defendants, THE TOWN OF SOUTHAMPTON, TOWN
OF SOUTHAMPTON POLICE DEPARTMENT, BAY
CONSTABLE DANIELLE McMANUS, VILLAGE OF
SAG HARBOR, VILLAGE OF SAG HARBOR POLICE
DEPARTMENT AND VILLAGE POLICE SERGEANT
ROBERT DRAKE

DATE AND TIME

RETURNABLE:

Answering papers are to be served pursuant to Federal
Rules of Civil Procedure, Rule 6, the rules of the Hon.
Judge Wexler, and the briefing schedule so ordered by
Judge Wexler on October 11, 2016.

PLACE OF HEARING:

United States District Court, Eastern District of New York,
located at the Federal Courthouse, 100 Federal Plaza,
Central Islip, New York 11722.

SUPPORTING PAPERS:

Declaration by Joshua S. Shteierman, Esq. dated November
3, 2016, pleadings and exhibits and Memorandum of Law
in support of the motion to dismiss.

RELIEF DEMANDED:

(A) An order granting defendants' motion to dismiss
pursuant to Rule 12(b)(6) of the Federal Rules of Civil
Procedure; and

(B) Such other and further relief as this Court deems just and proper.

Dated: Smithtown, New York
November 3, 2016

Yours, etc.,

DEVITT SPELLMAN BARRETT, LLP
Attorneys for Defendants
THE TOWN OF SOUTHAMPTON, TOWN OF
SOUTHAMPTON POLICE DEPARTMENT, BAY
CONSTABLE DANIELLE McMANUS,
VILLAGE OF SAG HARBOR, VILLAGE OF
SAG HARBOR POLICE DEPARTMENT AND
VILLAGE POLICE SERGEANT ROBERT
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By: _____ /S/
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